

APR 12 2011

APPLICANT'S STATEMENT JUSTIFYING
PETITION TO WITHDRAW HOLDING OF ABANDONMENT
FOR APPLICATION 10/599,384

Madrid April 12th, 2011

Dear Sirs,

After receiving the Notice of Abandonment enclosed with this letter I checked my files and I saw that I had in fact submitted my response to the Office Action mentioned.

You can find attached both my response and the copy of the receipt that was received by the fax machine, sent by the USPTO fax machine.

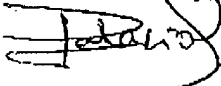
A few days after realizing the previous facts, I telephoned the USPTO to find out how to proceed, and I was instructed to submit the present petition, alongside with the fax receipt that justifies the submission.

I have now checked on the USPTO web to find out whether there was a form that I should use, and I have learned that there was a two month deadline from the mail date of the Notice of Abandonment.

I was not aware of such deadline. Last year I filed a Petition to Revive, and I was told that there was no deadline for such Petition. In this case, I assumed that the same would be applied for the Petition to Withdraw. Also, we did not speak about any deadline in the telephone conversation that I had with the USPTO, and it was not mentioned either in the notice of abandonment. As a result, I could not learn that such deadline exists.

In view of my lack of knowledge of the previous situation, I kindly request that the present petition be granted

Yours sincerely,



Angel Palacios

JUSTIFICANTE DE TRANSMISIONES

HORA : 02/08/2010 18:51
NOM. :
FAX :
TEL :
N/S : B9N947179

FECHA, HORA
NUMERO DE FAX/NOMBRE
DURACION
PAGINA/S
RESULT
MODO

02/08 18:50
0015712738300
00:00:45
12
OK
ESTANDAR
ECM

APR 12 2011

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No.	Applicant(s)	
	10/599,384	PALACIOS, ANGEL	
	Examiner	Art Unit	
	Bai D. Vu	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 11 May 2010 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

☐ A. Amended paragraph(s) do not include markings.

☐ B. New paragraph(s) should not be underlined.

☐ C. Other _____

☐ 2. Abstract:

☐ A. Not presented on a separate sheet. 37 CFR 1.72.

☐ B. Other _____

☐ 3. Amendments to the drawings:

☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).

☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.

☐ C. Other _____

☒ 4. Amendments to the claims:

☐ A. A complete listing of all of the claims is not present.

☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).

☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).

☐ D. The claims of this amendment paper have not been presented in ascending numerical order.

☒ E. Other: See Continuation Sheet

☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted.

2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/B. D. V./ Examiner, Art Unit 2165	/Neveen Abel-Jalil/ Supervisory Patent Examiner, Art Unit 2165
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U.S. Patent and Trademark Office
PTOL-324 (01-06)

Notice of Non-Compliant Amendment (37 CFR 1.121)

Part of Paper No. 20100708

Continuation of 4(e) Other: All regular symbols in plain text or ASCII-only text (e.g., a, (a), ~, i, etc.) used to introduce items in a list in claims 1, 9, 11, 12, 14-16, 23, 25, 26, 28, 32 and 33 should be underlined or strikethrough when they are added or removed respectively.

Applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).
